

**Minneapolis City Planning Department Report**  
**BZZ-579: Site Plan Review, Street Right-of-Way Vacation**  
**Skyway Event Services, 1809 East Hennepin Ave.**

**Hearing Date:** September 23, 2002 (continued from the April 29, 2002, July 8, 2002, and July 22, 2002 hearings)

**Date Application Deemed Complete:** March 27, 2002 (please refer to the background section below)

**End of 60-Day Decision Period:** The applicant waived their rights to a City decision within the 60-day period.

**Applicant:** Theodore B. Ewing, 1323 Tyler St. NE, Mpls., MN 55413

**Address of Property:** 1809 East Hennepin Ave.

**Contact Person and Phone:** Theodore B. Ewing and Wade R. Ewing (voice: 612-789-5152, facsimile: 612-789-5271, Email: [ted@skywayonline](mailto:ted@skywayonline) and [wade@skywayonline](mailto:wade@skywayonline)), Gregory McDonald, Colliers Towle (voice: 612-347-9348, cell: 612-850-3315, facsimile: 612-347-9389, Email: [gmcdonal@towle.com](mailto:gmcdonal@towle.com)), John Harrington, MCDA (voice: 673-5018)

**Staff Contact Person and Phone:** J. Michael Orange, City Planner (voice: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; Email: [michael.orange@ci.minneapolis.mn.us](mailto:michael.orange@ci.minneapolis.mn.us))

**Ward: 1      Neighborhood Organization:** Mid-City Business Association, Windom Park Citizens in Action, Southeast Como Citizens Group (SECIA)

**Existing Zoning:** I2, Medium Industrial District

**Proposed Use:** Demolish existing buildings and construct a new warehouse and office building (14,277 sq. ft.). Vacate a portion of the City's right-of-way on Stinson Ave. NE.

**Authority:**

- **Site Plan Review:** Section 530.20 of the Zoning Code requires site plan review approval for projects in excess of 10,000 sq. ft.
- **Vacation:** Section 433.20 of the City's Code of ordinances defines the process for street and alley vacation.

**Concurrent Review:** The City included the project in the current round of grant applications for public brownfield clean-up grant funds. Minneapolis Community Development Agency staff stated that over \$1.1 million in state and regional grant funds are allocated to the project for site clean up. Attachment 7 lists the sources and uses of funds for the project.

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**Neighborhood review:** The applicant presented to a general neighborhood meeting on April 11, 2002. The straw poll at the meeting was favorable to the project. Attachment 9 includes two letters of support for the project.

**Legal Description of the Areas to be Vacated:** That part of Stinson Boulevard described as follows: Beginning at the intersection of the westerly line and the southwesterly line of Lot 4, Block 25, Minneapolis Industrial District, Hennepin County, Minnesota; thence on an assumed bearing of North 48 Degrees 56 Minutes 34 Seconds West, a distance of 104.28 feet to a point that is 80 feet west of, at right angles, to the west line of said Lot 4; thence North 1 Degree 09 Minutes 30 Seconds East, parallel to the west line of said Lot 4 a distance of 161.28 feet; thence South 65 Degrees 16 Minutes 50 Seconds East a distance of 7.72 feet; thence along a tangential curve concave to the northeast, said curve has a radius of 480.18 feet, a central angle of 9 Degrees 11 Minutes 55 Seconds and the chord of said curve bears South 70 Degrees 13 Minutes 07 Seconds East to a point on the northerly extension of the westerly line of said Lot 4; thence South 1 Degree 09 Minutes 30 Seconds West along said Northerly extension a distance of 5.14 feet to the northwest corner of said Lot 4; thence continuing South 1 degree 09 minutes 30 seconds West along the west line of said Lot 4 a distance of 195.35 feet to the point of beginning.

## **BACKGROUND**

**Project:** The applicants intend to complete the purchase of the site, demolish the two buildings on the site, mitigate the on-site pollution, and construct a two-story office building and a large warehouse for the business. The company supplies tents and other fabric coverings and shelters for events. The following gives the area dimensions for the project:

	<b>Amount</b>	<b>Percent of Total</b>
Warehouse	39,142	85%
Office	6,088	15%
Entry	976	
Total area	46,206	100%
Original site	65,273	70%
Vacated area	27,389	30%
Total site	92,662	100%
Building footprint	43,162	
Landscaping	27,365	55%
Net site	49,500	

**Delays:** Last March, Planning staff brought this project to the Planning Commission for a decision. However, the applicants requested the Commission continue it indefinitely so that they could wait for the results of the grant applications needed for site cleanup. Planning staff again noticed the project for the Commission's hearing last July 8 when we learned that public funds were awarded the project. The applicant requested a second continuance because they were unable to provide updated plans in time for the hearing.

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**Pollution clean up grants and jobs:** The site is the Hansen Metal Finishing property. It is polluted (Phase I and Phase II environmental assessments available upon request). Minneapolis Community Development Agency (MCDA) staff stated that over \$1.1 million in state and regional grant funds are allocated to the project for site clean-up (Attachment 7). The MCDA and the applicants expect that the project will result in the retention of the company's 35 full-time jobs and 30 part-time jobs, plus create 6 new full-time and 15 part-time jobs.

**Site control:** In early July, the applicant provided revised plans; however, Planning staff learned July 11 that the City has fee title to the land within the Stinson Blvd. right-of-way. Although Planning and Public Works staff are prepared to support the proposed vacation of the portion of the right-of-way needed for the project, plans call for a portion of the building to be located within the to-be-vacated area. This cannot happen without an ownership transfer from the City to the applicant. It is very rare that the City owns the land under its street and alley rights-of-way. Normally, a vacation allows the adjacent property owners to use the vacated land as they would the rest of their lots. Later this month, the City Council is expected to authorize the City to sell the land to the MCDA and the Agency will then sell it to the applicant, probably at a minimal price. The land write-down would represent the City's matching participation for the purposes of the state and Met Council grants for pollution cleanup. MCDA and City staff expect the conveyance to occur before the end of September. The applicants recently provided documents showing they have an option to purchase the needed railroad land.

Because of the likelihood that the City will convey the to-be-vacated land to the applicants, Planning staff are confident the applicants will have site control in a reasonable time. The conditions of approval require evidence of site control prior to the issuance of building permits for the project.

**Applicable plans:** Although not formally required for a site plan review application, the importance of the environmental review described below warrants its discussion in this report.

- **Stinson Technology Campus AUAR and plan:** On 4/21/00, the City Council and Mayor approved the Alternative Urban Areawide Review (AUAR) for the Stinson Technology Campus. The approved Stinson Technology Campus project and plan includes the following elements:
  - New development will primarily be high quality, high tech offices;
  - New development will have a high jobs-to-space ratio.
  - Secondary uses can include warehouse and other uses.
  - The site was included as part of Phase II of the project (8/1/00 to 8/31/03).
  - The redevelopment plan called for the following on the subject site: Demolish existing buildings and redevelop for office/warehouse uses (this was the same for most of the sites in the Project Area). The assumption was that the redevelopment would create about 50-60 jobs on the site.
- **Minneapolis Plan:** *The Minneapolis Plan* designates the AUAR Project Area and the other industrial uses in the area as Light Industrial on the Land Use Policy map. It also

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designates the area as an Industrial/Business Park Opportunity Area. Applicable Plan policies include the following from the “Markets in the City” chapter:

***Land readiness and light industrial land use***

Industry is important to the city. It provides jobs, a tax base, and economic vitality to the region. Historical patterns of industrial development have resulted in the concentration of heavy industries with regional impacts within city limits. At the same time, the legacy of pollution and contaminated land passed down from the heavily industrialized economic activity of previous generations is a serious obstacle to generating new economic development at the end of this century. Pollution remediation and environmental clean up are specific initiatives that demand city leadership and continuing partnership with the state in order to persuade decision makers about the business logic of potential investment choices in the city. . . .

- 2.2 Minneapolis will support the existing economic base by providing adequate land and infrastructure to make city sites attractive to businesses willing to invest in high job density, low impact, light industrial activity.**

**Implementation Steps (selected)**

Identify appropriate areas for the retention and expansion of existing industry and the development of new industry in specific industrial and business park opportunity areas.

Promote light industrial uses as the preferred use of industrial land, but discourage warehouse or distribution uses in areas where truck traffic will negatively impact residential neighborhoods.

Continue to protect a healthy physical environment that is attractive for private investment and compatible with neighborhoods.

Engage in pollution clean up and land readying activities to be able to provide clean and competitive sites.

- 9.33 Minneapolis will support the existing economic base by providing adequate land and infrastructure to make city sites attractive to businesses willing to invest in high job density low impact, light industrial activity.**

**Implementation Steps (selected)**

Identify appropriate areas for the retention and expansion of existing industry and the development of new industry in specific Industrial/Business Park Opportunity Areas.

**Consistency with plans:** The project will provide a high-quality office-warehouse that is consistent with the land use designations and the job-generation expectations in the City’s Comprehensive Plan and the AUAR. It retains a local business and local jobs. With the public funds, the project will clean up a vacant polluted site, and place land unsuitable for redevelopment back into productive tax-paying use.

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**Zoning and surrounding uses:** The site is within an I2, Medium Industrial District that contains the other buildings of the Stinson Technology Campus redevelopment project. To the south are the following districts: I1, Light Industrial; and residential districts (R4, R1A, R2B) with low-density residences. The proposed office/warehouse uses in the AUAR plan are permitted uses in this district and are generally compatible with the other uses and zoning districts in this area.

## **FINDINGS**

### **A. Site Plan Review**

#### **1. Required Findings for Major Site Plan Review**

- a. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review (refer Section A below for evaluation.)
- b. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan (refer to the above discussions).
- c. The site plan is consistent with applicable development plans or development objectives adopted by the City Council (refer to the above discussions).

#### **Section A: Conformance with Chapter 530 of Zoning Code Building Placement and Facade:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
  - Residential uses shall be subject to section 530.110 (b) (1).
  - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

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**Planning Department Evaluation of Building Placement and Façade Requirements:**

- **Building placement, entrance, and site amenities:** The building will be built to the corner of Stinson and East Hennepin consistent with the Code. The entrance to the offices and the warehouse building is behind a wall on the East Hennepin side of the structure. A walkway will lead from the sidewalk to the entrance. Site amenities include an extensive landscape plan, a two-story office building consistent with the plans for the area (refer to the above analysis), an outdoor courtyard for the employees and visitors, pollution cleanup, and an extensive amount of glass (Attachment 6).
- **Parking and bicycles:** Parking is to the side of the building, consistent with the Code. The project includes more than adequate parking for employees and visitors. There will be adequate space for bicycle parking inside the warehouse building.
- **Architectural detail and windows:** Building materials include window walls and EFIS/stucco. The design includes numerous windows on both office building floors, and all sides well in excess of the 20% minimum. All sides of the building are consistent with one another architecturally. The north side of the warehouse faces a railroad right-of-way and it does not include glass. Glass covers 21% to 27% of the other three facades.
- **Signs:** The sign conforms to the requirements in the Zoning Code.

**Access and Circulation:**

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

**Planning Department Evaluation of Access and Circulation:**

- The project will conform to the walkway, sidewalk, and access requirements of the Code.
- Because of the median in East Hennepin, vehicular access will be westbound in and out.
- Transit routes 1 and 33 serve the area; there are no shelters at this corner.
- Average daily traffic is expected to be 10-12 vehicles (cars and trucks) during the slow part of the year and 15-20 during the busy season.
- At 36 feet, the curb cut is larger than the 22-foot width in the Zoning Code but a reduction of the existing 44-foot curb cut. The proposed 36-foot width is necessitated by the types of trucks that will access the site and their wide turning radii (Attachment 6). Public Works has approved the larger cut.
- There is adequate space for snow storage on site.
- The site is located within the jurisdiction of the Middle Mississippi Watershed Management Organization. The project includes 30% landscaping of the net site (Attachment 6), and the

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City's landscape architect approved the plan with minor modifications. Since the land disturbing activities are more than one acre, the applicant will have to obtain approval from the Public Works Department for a Stormwater Management Plan.

- The applicant provided information regarding truck turning radii as evidence for the need for the large parking area. Also, Attachment 6 is a letter from the environmental engineers that states that impervious surfacing is appropriate in this area of the site due to pollution.
- Bike path: The vacation was adjusted to accommodate on City land a 20-ft.-wide area along Stinson Blvd. for the bikeway proposed by Public Works. It has not yet been resolved who will pay for this segment of the bikeway.
- All light fixtures will be shielded to prevent glare and they will have metal halide bulbs for energy efficiency and true color rendition.

**Landscaping and Screening:**

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
  - A decorative fence.
  - A masonry wall.
  - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The City Planning Commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

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**Planning Department Evaluation of Landscaping and Screening:**

- The site (12,066 sq. ft.) less the building footprint (3,240 sq. ft.) yields a net site of 8,826 sq. ft. Landscaping equals 30% of the net site. The project exceeds the minimum requirements for trees and bushes (Attachment 6). The Code does not require yards. The City's landscape architect approved the plan with some minor modifications that the applicant has integrated into the plan.
- The applicant will use vinyl-clad, 6-ft.-high, mini-mesh, chain-link fencing to enclose the site on the east and north sides. The landscape plans calls for the planting of vines to climb the fence. 12-ft.-high walls will screen the parking lot on the east side of the building from views from the south along East Hennepin. The walls will have openings to provide views into and out of the parking and loading areas. As such, the entire parking lot will be effectively screened from public view consistent with the Code, yet allow for the site safety.
- The parking lot includes a continuous curb consistent with the Code.
- All areas not covered by buildings and impervious surfaces are fully landscaped. The City's contract landscape architect reviewed and approved subject to minor changes that the applicant agreed to implement.
- Trash will be within the totally screened parking and loading area.

**Additional Standards:**

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260: The Police Department has reviewed the plans.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

**Planning Department Evaluation of the Additional Standards:**

- The applicant is committed to installing lighting fixtures that will prevent glare from escaping the site. The bulbs will be metal halide in order to maximize true color rendition and enhance site safety.
- The project will not block views of important elements of the City.
- The building will have no significant impact on the generation of pedestrian-level winds.
- The Police Department and CPTED<sup>1</sup> staff reviewed the design as regards crime prevention design elements.

- 2. Alternative Compliance: The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:**



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- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

**Planning Department Analysis Regarding Alternative Compliance:**

The project is in compliance with Chapter 530 of the Zoning Code

**B. Vacation Request**

**Responses from Utilities and Affected Property Owners:** The applicant is requesting the City vacate a portion of the right-of-way along Stinson Blvd. defined on the first page of this report. Planning staff distributed copies of the vacation request to the two railroads, and to utility and communication companies.

**Findings:** The Public Works Department and City Planning Department find that the areas proposed for vacation are not needed for any public purpose, and they are not part of a public transportation corridor, and that they can be vacated if any easements requested by the following companies and by Public Works are granted by the petitioner:

- Qwest
- Reliant Energy
- MCI Worldcom
- Public Works

**RECOMMENDATIONS OF THE MINNEAPOLIS PLANNING DEPARTMENT**

**A. Site Plan Review:** The City Planning Department recommends that the City Planning Commission approve the Site Plan Review application for the Skyway Event Services project at 1809 East Hennepin Ave. subject to the following conditions:

1. Approval by the Planning Department of the final construction drawings, the elevations, the lighting plan, and the landscape plan.
2. The applicant must demonstrate complete site control before the issuance of building permits.

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3. Approval of a stormwater management plan before the issuance of building permits.
4. The applicant shall submit a performance bond to insure the installation of all site improvements (paving, curbing, curb cuts (new and closures), striping, landscaping, fencing, dumpster enclosure, lighting, etc.). Subject to approval by Public Works, the performance bond is due prior to the issuance of building permits or the permit may be revoked for noncompliance.
5. The site improvements shall be completed by November 1, 2003 or the application may be revoked for noncompliance, unless the Zoning Administrator or the City Council extends this time period.

**B. Vacation:** The City Planning Department recommends that the City Planning Commission approve the vacation application for the Skyway Event Services project at 1809 East Hennepin Ave., subject to retention of easements by the following:

- City of Minneapolis:
- Qwest
- Reliant Energy
- MCI Worldcom

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**Attachments:**

1. Zoning in the general area
2. Zoning and buildings in the immediate area
3. Survey
4. Land ownership
5. Vacation
6. Project drawings:
  - Existing conditions
  - Site plan
  - Landscaping plan
  - Lighting plan
  - Elevations
  - Truck turning diagrams
7. Sources and uses of funds
8. Excerpt from the AUAR for the Stinson Technology Campus
9. Information from citizen groups:
  - Southeast Com Improvement Assoc.
  - Windom Park Citizens in Action
10. Email from Kenneth Larson attesting to the need to maximize impervious surfaces due to on-site contamination.